



**An Roinn Gnó,
Fiontar agus Nuálaíochta**
Department of Business,
Enterprise and Innovation

National Market Surveillance Programme 2019

Contents

1.	general market surveillance organisation and infrastructure	4
1.1.	Identification and responsibilities of national market surveillance authorities	5
1.2.	Coordination and cooperation mechanisms between national market surveillance authorities	6
1.3.	Cooperation between national market surveillance authorities and customs	6
1.4.	Rapid information exchange system - RAPEX	7
1.5.	ICSMS information system	7
1.6.	General description of market surveillance activities and relevant procedures	7
1.7.	General framework of cooperation with other Member States and non-member states	7
1.8.	Evaluation of Market surveillance actions and reporting	7
1.9.	Horizontal activities planned for the relevant period	7
2.	market surveillance in specific sectors	8
2.1.	Sector 25. Recreational Craft & Personal Watercraft Products	8
2.2.	Sector 26. Marine Equipment	12
2.3.	Sector 17. Measuring instruments, Non-automatic weighing instruments, Pre-packaged products and Units of measurement	15
2.4.	Sector 4. Personal Protective Equipment	17
2.5.	Sector 7. Simple pressure vessels and pressure equipment	19
2.6.	Sector 8. Transportable pressure equipment	21
2.5.	2.7 Sector 9. Machinery	22
2.8.	Sector 10. Lifts	24
2.9.	Sector 13. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres	26
2.10.	Sector 13. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres	27
2.11.	Sector 22/A. Chemical Substances under REACH and Classification and Labelling Regulations	28
2.12.	Sector 22/B. Other Chemicals (Detergents)	29
2.13.	Sector 24. Tyre Labelling	30
2.14.	Sector 23. Ecodesign and Energy Labelling	32
2.15.	Sector 21. Electrical and electronic equipment under RoHS and WEEE and batteries	35
2.16.	Sector 22/A. Chemical Substances under REACH and Classification and Labelling Regulations	37

2.17	Sector 22/B. Restriction on the use and releases of certain Hazardous Substances - Ozone Depleting Substances and Fluorinated Greenhouse Gases (ODS and F-Gases) – Regulation (EC) 842/2006 and Regulation (EU) 517/2014	39
2.18	Sector 22/B. Restriction on the manufacture and use of certain Hazardous Substances – Persistent Organic Pollutants (POPs) – Regulation (EC) 850/2004	41
2.19	Sector 14 and 15. Pyrotechnics and Explosives for Civil Use	43
2.20	Sector 4, 16, 20 and 30. Personal protective equipment (Consumer & Leisure), Appliances burning gaseous fuels (Domestic), Electrical appliances and equipment under LVD and Other consumer products under GPSD	46

1. general market surveillance organisation and infrastructure

In Ireland responsibility for Community harmonisation legislation is dispersed across various Government Departments and State Agencies. There is no central body responsible for market surveillance and no single piece of overarching market surveillance legislation. Responsibility for Community harmonisation legislation is allocated to Government Departments according to competence. Market surveillance responsibilities are conferred on authorities through primary legislation in the case of chemicals and secondary legislation implementing Community harmonisation legislation for the other sectors. Please see the organigram in Section 1.1 below for details of legislative and market surveillance responsibility for Community harmonisation legislation considered to come within the scope of Regulation (EC) No. 765/2008.

Ireland has a limited manufacturing sector and therefore does not have many notified bodies. It is also not a significant point of first import for imported products. Market surveillance authorities (MSAs) undertake risk based and reactive market surveillance and participate in specific priority projects. Ireland is heavily reliant on other Member State's laboratories and test facilities.

For the control of imported products from third countries Ireland's market surveillance authorities, working closely with Revenue's Customs Service, will fulfil obligations under Article 27-29.

The Department of Business, Enterprise and Innovation has coordinated Ireland's notifications under Regulation (EC) No. 765/2008.

1.1. Identification and responsibilities of national market surveillance authorities

The responsibilities of the various MSAs in Ireland are contained in the diagram below:

KEY to Departments and Bodies		KEY to Product Legislation
D/AF&M = Department of Agriculture, Food and the Marine		
D/CCA&E = Department of Communications, Climate Action and the Environment	Comreg = Commission for Communications Regulation EPA = Environmental Protection Agency	R&TTE = Radio and Telecommunication Terminal Equipment Directive RED = Radio Equipment Directive ROHS = Restriction of Hazard Substances Directive
D/H = Department of Health	HPRA = Health Products Regulatory Authority	
D/HPC&LG = Department of Housing, Planning, Community and Local Government	BCA = Building Control Authorities	
D/J&E = Department of Justice and Equality		
D/BEI = Department of Business, Enterprise and Innovation	CCPC = Competition and Consumer Protection Commission HSA = Health and Safety Authority NSAI = National Standards Authority of Ireland	ATEX = Environment with a Potentially Explosive Atmosphere Directive CLP = Classification, Labelling and Packaging Regulations EMC = ElectroMagnetic Compatibility Directive GAD = Gas Appliances Directive GAR = Gas Appliances Regulation GPSD = General Product Safety Directive LVD = Low Voltage Directive MID = Measuring Instruments Directive NAWI = Non-Automatic Weighing Instruments Directive PED = Pressure Equipment Directive PPE = Personal Protective Equipment Regulation REACH = Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation

		TSD = Toy Safety Directive
D/TT&S = Department of Transport, Tourism and Sport		

1.2. Coordination and cooperation mechanisms between national market surveillance authorities

To fulfil the requirement of Article 18(1) the Department of Jobs, Enterprise and Innovation established a national Market Surveillance Forum (MSF) in May 2009. Represented at the Forum are Government Departments responsible for Community harmonisation legislation, market surveillance authorities, Revenue’s Customs Service, and the Irish National Accreditation Board (INAB). The establishment of the Forum has centralised the issue of market surveillance in Ireland and has been a significant and useful development. It has provided co-ordination of the individual, separate sectors within one platform and allowed for important debate and communication between authorities on common issues. The Department of Business, Enterprise and Innovation provides a secretariat role to the Forum and communicates guidance from the Expert Group on the Internal Market for Products (IMP-MSG).

Regarding EU co-ordination and co-operation, EU Commission ADCO and Expert working groups will continue to be a valuable platform. Ireland intends to continue to attend and contribute to priority groups. The Competition and Consumer Protection Commission (CCPC) is a member of PROSAFE and will continue to play an active role in this group.

The CCPC and the Health and Safety Authority (HSA) cover, between them, the majority of consumer and industrial products. They have a dual market surveillance role for certain Regulations where professional goods migrate to the consumer, such as Personal Protective Equipment, Machinery and Gas Appliances. Informal co-operation and co-ordination mechanisms exist between the Agencies.

1.3. Cooperation between national market surveillance authorities and customs

Revenue’s Customs Service is not designated with a market surveillance function because its competence does not extend to expertise in specific sectors of products. It is reliant on the market surveillance authorities and facilitates them through controlling imports based on specific information received. In this regard it has access to documentation relating to imports from third countries and information associated with customs declarations can be profiled in order to target products that are likely to present a risk. It is recognised that co-operation between the market surveillance authorities and Revenue’s Customs Service is essential for carrying out appropriate checks on products at the point of import. Revenue’s Customs Service circulates EU Product Safety Alerts to all market surveillance authorities in

the State and encourages market surveillance authorities to sign data exchange agreements where more in-depth information is needed from the Customs Service.

1.4. Rapid information exchange system - RAPEX

The Competition and Consumer Protection Commission (CCPC) is the contact point for RAPEX in Ireland and circulates reports at a national level.

1.5. ICSMS information system

For the sectors covered by Irish MSAs please see this link:

<https://webgate.ec.europa.eu/icsms/public/authoritySearch.jsp?locale=en>. The Health and Safety Authority is the contact point for ICSMS in Ireland.

1.6. General description of market surveillance activities and relevant procedures

Ireland has a limited manufacturing sector and therefore does not have many notified bodies. It is also not a significant point of first import for imported products. Market surveillance authorities undertake risk based and reactive market surveillance and participate in specific priority projects. Details of sectoral specific activities can be found in the next section.

1.7. General framework of cooperation with other Member States and non-member states

N/A

1.8. Evaluation of Market surveillance actions and reporting

N/A

1.9. Horizontal activities planned for the relevant period

N/A

2. market surveillance in specific sectors

2.1. Sector 25. Recreational Craft & Personal Watercraft Products

2.1.1. RESPONSIBLE AUTHORITY AND CONTACT DETAILS

The Marine Survey Office (MSO) is the market surveillance authority and the competent authority in the State. The MSO forms part of the Irish Maritime Administration, Department of Transport, Tourism and Sport.

Contact for the MSO: mso@dtas.gov.ie, + 353 1 678 3400

MSO web address: www.dttas.gov.ie/maritime

Project Officer: Jason Bryars, JasonBryars@dtas.gov.ie, +353 1 678 3408

Resources: All activities have to be performed within the existing departmental budgets and headcount, which are subject to national economic restrictions on Government spending. One surveyor has been assigned to co-ordinate all activities in this sector, with assistance from a surveyor in each of the two regional offices. All surveyors (twenty-three at time of writing) within the MSO have the necessary powers, provided by their warrants, to undertake surveillance and enforcement activities. There is an additional staff member within the Maritime Services Division, covering administrative functions for the sector. All roles are part time due to the relatively small-scale nature of the sector in Ireland.

2.1.2. MARKET SURVEILLANCE PROCEDURES AND STRATEGY

Approach to Market Surveillance: A pragmatic approach to monitoring and surveillance activities will be taken and it is intended to combine these activities with existing inspection and survey programmes where possible. This will include:

- a) Proactive Inspections: Planned market surveillance activity including planned and routine inspections and surveys of products - such inspections will include announced and unannounced inspections
- b) Reactive Inspections: Including acting on complaints or information received from the public, accident investigation reports, Customs, Coast Guard, other market surveillance authorities, intelligence from the Garda Síochána, the Marine Casualty Investigation Board, the Health and Safety Authority and other Administrations.

Follow up inspections and investigations will be undertaken where appropriate

c) **Precautionary Principle:** This approach will be taken if it is suspected that products are likely to be placed on the market where the market surveillance authorities of one Member State have sufficient reason to believe that a product covered by Directive 2013/53/EU presents a risk to the health or safety of persons, to property or to the environment. To prevent danger to the public or risk to the environment, inspections, supported by Customs or An Garda Síochána, may be made in order to prohibit, restrict or require the withdrawal of any product from the market.

Procedure to follow up complaints: Complaints can be made directly to the MSO and are assigned to an individual surveyor, who will conduct an investigation as appropriate. It is typical that the surveyor will inspect the product(s) and seek evidence from all relevant parties. The surveyor has the statutory powers to require corrective actions to be taken, and will follow up whether they have been satisfactorily implemented prior to closing the investigation. Records of all complaints are kept and maintained within the MSO.

Procedure to monitor accidents: All serious accidents are independently investigated by the Marine Casualty Investigation Board (MCIB). The Maritime Safety and Policy Division (MSPD) monitor the MCIB reports and any relevant findings or recommendations will be brought to the attention of the market surveillance authority. The MSO is also made aware of all SITREP alerts issued by the Irish Coast Guard, regarding the response to an on-going incident. For less serious accidents monitoring is dependent upon the MSO being informed by seafarers, members of the public, organisations or other government agencies such as port authorities or An Garda Síochána.

Measures/tools for alerting users of hazardous products: In addition to requiring manufacturers and distributors to alert end users, the standard practice is to issue a Marine Notice on the Department of Transport website. Relevant organisations and clubs within the sector typically bring relevant notices to the attention of their members. If the severity of the hazard requires, the method of alerting users can be escalated, such as by publishing alerts and information in commercial publications that have the widest circulation within the sector.

Approach to penalties: Generally the MSO will seek to find a satisfactory solution that does not require penalties – i.e. through corrective actions. This will not always be sufficient and a range of penalties are available. The offences and penalties are defined within the ‘European Union (Recreational Craft and Personal Watercraft) Regulations 2017’. Depending on the offence a person, on conviction, can be subject to fines and/or imprisonment.

Mechanisms for ensuring involvement of stakeholders (business & consumer organisations): The MSO carries out active liaison, advice, guidance and consultation with the main stakeholders involved in the maritime industry. Information on all aspects of the work of the MSO is made available to the public and stakeholders on the Department of Transport, Tourism and Sport’s website: www.dttas.gov.ie

Co-operation: Other organisations, agencies and regulatory authorities, including those of other Member States (through use of RAPEX, ICSMS, RSG and CIRCA information systems), may be involved in the operation and development of the market surveillance programme by providing information or assistance as appropriate to the circumstances. These agencies (in Ireland) include; Customs, An Garda Síochána, the Competition and Consumer Protection Commission, the National Standards Authority of Ireland, the Health and Safety Authority and the Marine Casualty Investigation Board.

A Data Exchange Agreement was agreed in April 2012 between the Revenue Commissioners' Customs Service and the Department of Transport, Tourism and Sport - on the control of products entering Ireland from third countries. The completion of a formal Memorandum of Understanding on these matters with the Customs Service is under review.

Priorities:

Approach for Setting Priorities: Work is continuing in the development of a targeted profiling framework for the market surveillance of recreational craft products. This will be based on Customs and RAPEX notifications, advice from other market surveillance authorities as well as national intelligence.

Risk Evaluation: Levels of risk and prioritisation of inspections will be assessed using the following criteria:

- a. The profiling framework outlined at (a) above;
- b. Information received from European monitoring and information systems such as RAPEX, ICSMS, RSG and CIRCA;
- c. Information collected on the compliance record of manufacturers, authorised representatives, importers and distributors.
- d. Results of previous inspections as well as the frequency and dates of all previous inspections;
- e. Requirement for involvement of other agencies;

The resources available to the Marine Survey Office, taking account of the cost benefit factors of each individual inspection.

2.1.3. REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

- A formal investigation was conducted, following a complaint made to the MSO, into the RCD conformity of a Rigid Inflatable Craft. Whilst the craft did not conform and

originated in a third country no action could be taken as it was likely to have been imported prior to RCD coming into force.

- Alerted another Member State and the EU Commission on two areas of concern regarding the status of a third country manufacturer and the conformity of a product inspected in Ireland.
- A Marine Notice was issued in relation to a RAPEX for a product relevant to this sector (Marine Notice 43 of 2008). Whilst not specific to recreational craft this is a good example of how the stakeholders are alerted to dangerous products.

2.2. Sector 26. Marine Equipment

2.2.1. RESPONSIBLE AUTHORITY AND CONTACT DETAILS

The Marine Survey Office (MSO) is the market surveillance authority and the competent authority in the State. The MSO forms part of the Irish Maritime Administration, Department of Transport, Tourism and Sport.

Contact for the MSO: mso@dtas.gov.ie, + 353 1 678 3400

MSO web address: www.dttas.gov.ie/maritime

Point of Contact: Ben Duncan, BenDuncan@dtas.gov.ie, +353 1 678 3475

Resources: All activities have to be performed within the existing departmental budgets and headcount, which are subject to national economic restrictions on Government spending. One surveyor has been assigned part time to assist with activities in this sector. All surveyors (twenty-three at time of writing) within the MSO have the necessary powers, provided by their warrants, to undertake surveillance and enforcement activities. There is an additional staff member within the Maritime Services Division, covering administrative functions for the sector. All roles are part time due to the relatively small scale nature of the sector in Ireland.

2.2.2. MARKET SURVEILLANCE PROCEDURES AND STRATEGY

Approach to Market Surveillance: A pragmatic approach to monitoring and surveillance activities will be taken and it is intended to combine these activities with existing inspection and survey programmes where possible. This may include:

- a) Proactive Inspections: Planned market surveillance activity including planned and routine inspections and surveys of products - such inspections may include announced and unannounced inspections.
- b) Reactive Inspections: Including acting on complaints or information received from the public, accident investigation reports, Customs, Coast Guard, other market surveillance authorities, intelligence from the Garda Síochána, the Marine Casualty Investigation Board, the Health and Safety Authority and other Administrations.

Follow up inspections and investigations may be undertaken where appropriate

- c) Precautionary Principle: This approach will be taken if it is suspected that products are likely to be placed on the market where the market surveillance authorities of one Member State have sufficient reason to believe that a product covered by Directive 2014/90/EU

presents a risk to the health or safety of persons, to property or to the environment. To prevent danger to the public or risk to the environment, measures may be taken in order to prohibit, restrict or require the withdrawal of a product from the market or from vessels on which the equipment is installed.

Procedure to follow up complaints: Any complaints or queries regarding a particular product may be made to the MSO, which may then be followed up with an investigation including a risk analysis and

Measures/tools for alerting users of hazardous products: In addition to requiring manufacturers and distributors to alert end users, the standard practice is to issue a Marine Notice on the Department of Transport website. If the severity of the hazard requires, the method of alerting users can be escalated, such as by publishing alerts and information in commercial publications that have the widest circulation within the sector.

Approach to penalties: Generally the MSO will seek to find a satisfactory solution that does not require penalties – i.e. through corrective actions. This may not always be sufficient and a range of penalties are available. The offences and penalties are defined within S.I. No. 177/2017 - European Union (Marine Equipment) Regulations 2017. Depending on the offence a person, on conviction, can be subject to fines and/or imprisonment.

Mechanisms for ensuring involvement of stakeholders (business & consumer organisations): The MSO carries out active liaison, advice, guidance and consultation with the main stakeholders involved in the maritime industry. Information on all aspects of the work of the MSO is made available to the public and stakeholders on the Department of Transport, Tourism and Sport's website: www.dttas.gov.ie

Co-operation: Other organisations, agencies and regulatory authorities, including those of other Member States (through use of RAPEX, ICSMS and CIRCA information systems), may be involved in the operation and development of the market surveillance programme by providing information or assistance as appropriate to the circumstances. These agencies (in Ireland) include; Customs, An Garda Síochána, the Competition and Consumer Protection Commission, the National Standards Authority of Ireland, the Health and Safety Authority and the Marine Casualty Investigation Board.

Priorities:

Approach for Setting Priorities: Due to resource constraints, market surveillance undertaken in the short term will be reactive only. This may be based on Customs and RAPEX notifications, advice from other market surveillance authorities as well as national intelligence.

Risk Evaluation: Levels of risk and prioritisation of inspections will be assessed using the following criteria:

- f. The profiling framework outlined at (a) above;
- g. Information received from European monitoring and information systems such as RAPEX, ICSMS and CIRCA;
- h. Information collected on the compliance record of manufacturers, authorised representatives, importers and distributors.
- i. Requirement for involvement of other agencies;
- j. The resources available to the Marine Survey Office

2.2.3. REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

- 2017 – present: An on-going investigation regarding wheelmarked davit launched liferaft release hooks involving various MS's and EU Commission fora
- 2015-2017: Two unrelated investigations involving wheelmarked EPIRBS incl. issuance of marine notices and voluntary withdrawals from the market by a manufacturer.

2.3. Sector 17. Measuring instruments, Non-automatic weighing instruments, Pre-packaged products and Units of measurement

2.3.1. RESPONSIBLE AUTHORITY AND CONTACT DETAILS

NSAI LEGAL METROLOGY SERVICE

CONTACT NAME: PAUL TURNER

E-MAIL: PAUL.TURNER@NSAI.IE

Structure and Responsibilities: The Legal Metrology Service, NSAI has been charged with the responsibility for market surveillance through national regulation. Investigative powers have been given to authorised officers who report to the Director of Legal Metrology who has powers to withdraw, recall and dispose of non-compliant instruments and prosecute non-compliant operators.

Organisation:

Human Resources: the role of market surveillance is incorporated into the activities of the Legal Metrology Service which is already charged with inspection of measuring instruments in trade use.

Technical Resources: those needed for physical testing at the operational level are available to the Legal Metrology Service and it is not envisaged that in-depth type approval tests which are normally conducted under laboratory conditions will be undertaken.

Financial Resources: market surveillance activities will be performed within existing operations budget which is unlikely to be increased in the current financial and economic climate.

2.3.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

Approach: Proactive inspections are routine in the operation of the Legal Metrology Service to ensure measuring instrument in trade use comply with legal requirements. These checks will be used to identify location and compliance of individual measuring instruments being put into use on the market. Inspections will take place at the premises of economic operators before supply/installation and also at the place of use of the instrument. Reactive investigations will be carried out where complaints are raised by third parties in relation to any product covered by the Directives. For each Directive, specific product categories have been selected for a targeted proactive action each year based on current knowledge of products covered by the Directives. The targeted actions will involve investigations moving back through the distribution chain to the manufacturer.

Priority setting: Information will be gathered through routine inspections to identify the market operators responsible for making instruments available on the market. A risk-based inspection strategy will be used to identify the products of greatest risk.

Horizontal Co-operation: The plan will take account of initiatives and actions to be undertaken by other metrology services co-ordinated by WELMEC (organisation of European Legal Metrology Authorities) and if necessary the plan can be reviewed to take account of any joint actions.

Time Period: it is intended that the programme will operate on an annual basis at which time it will be reviewed and updated unless agreement is reached with other authorities on joint actions, which if it occurs will result in a review of the programme, most likely in the proactive targeted actions.

Information dissemination: information on the programme will be disseminated through meetings with suppliers and trader group representatives and publicised through media interviews, website etc.

Non-compliant products: The risk addressed in metrological legislation in trade use is metrological integrity which if breached will generally result in fiscal detriment. National metrology legislation allows for non-compliant products to be withdrawn, recalled and disposed of, if necessary. Where breaches are identified prosecutions may also be taken against the liable economic operators.

2.3.2 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

During 2018, Legal Metrology identified a number any instances of non-approved instruments been placed on the market during 2018. Actions were taken to bring these instruments into compliance and the economic operators have implemented actions to ensure ongoing compliance in the future. During 2018, Legal Metrology led a WELMEC Working Group 5 project on medical weighing instruments used for patient weighing, which focused on the availability of compliant/non-compliant instruments used for trade.

2.4. Sector 4. Personal Protective Equipment

2.4.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

- Health and Safety Authority (HSA), Metropolitan Building, James Joyce Street, Dublin 1. D01 K0Y8
- Phone: 00353 1 6147000; email: wcu@hsa.ie
- ~170 FTE and €20m budget in total however as the primary remit of the Authority is occupational safety and health, market surveillance activity may be carried out by persons who have other responsibilities. Any laboratory work is contracted out to third parties.
- Note: the Competition and Consumer Protection Commission (CCPC) is also a market surveillance authority for PPE.

2.4.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

- In general most market surveillance activity for PPE is reactive arising from either complaints, accident investigations, or as a result of workplace health and safety inspections. In addition RAPEX alerts are systematically monitored to identify any products that may be on the Irish market. Where the PPE in question may be used for professional or private use, HSA consults with the Competition and Consumer Protection Commission (CCPC) on the most appropriate response.
- Complaints and related follow-up actions (visits, phone calls, emails) are recorded on the Authority's internal database.
- The statutory reporting of occupational accidents and dangerous occurrences is addressed in the 2016, Safety, Health and Welfare at Work (General Application)(Amendment)(NO.3) Regulations [S.I. No. 370 of 2016] but in the context of PPE only the failure of breathing apparatus is notifiable.
- Legislation is being prepared to oblige economic operators to notify market surveillance authorities where they have reason to believe that their product is non-compliant and presents a risk.
- HSA participates in the EU PPE ADCO committee and uses ICSMS for research and information sharing.
- Enforcement powers and penalties are determined by the 2005 Safety, Health and Welfare at Work Act or by regulations under the European Communities Act, as subsequently amended.
- The Authority also makes information available through its website and through industry committees associated with agriculture, construction, road transport and chemicals.

2.4.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

- In 2018 HSA monitored PPE use in industry and followed up on any issues noted by HSA inspectors or complaints received. In particular RPE and gloves on construction sites were check during the year, all were found to be compliant.

2.5 Sector 7. Simple pressure vessels and pressure equipment

2.5.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

Pressure Equipment Directive:

- Health and Safety Authority, Metropolitan Building, James Joyce Street, Dublin 1. D01 K0Y8
- Phone: 00353 1 6147000; email: wcu@hsa.ie
- ~170 FTE and €20m budget in total however as the primary remit of the Authority is occupational safety and health, market surveillance activity may be carried out by persons who have other responsibilities. Any laboratory work is contracted out to third parties. (See section below for activities re PED)

Simple Pressure Vessel Directive:

- Department of Business, Enterprise and Innovation ,Earlsfort Centre, Lower Hatch Street, Dublin 2, Ireland

2.5.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

- The HSA is the designated market surveillance authority for the PED and can take limited action for SPVD under the 2005 Safety, Health and Welfare at Work Act. Most actions in this area have arisen from scrutiny of statutory examination reports for periodic examinations under the 2007 Safety, Health and Welfare at Work (General Application) Regulations, part of which implement the Use of Work Equipment Directive.
- The statutory reporting of occupational accidents and dangerous occurrences is addressed in the 2016, Safety, Health and Welfare at Work (General Application)(Amendment)(NO.3) Regulations [S.I. No. 370 of 2016] but in the context of pressure equipment the explosion, collapse or bursting of any closed vessel whether under pressure or vacuum is reportable.
- Economic operators are obliged to notify market surveillance authorities under the 2017 European Union (Pressure Equipment) Regulations where they have reason to believe that their product is non-compliant and presents a risk.
- HSA participates in the work of the PED ADCO committee and RAPEX alerts are systematically monitored to identify any products that may be on the Irish market. ICSMS is used for research and information sharing.
- Enforcement powers and penalties are determined by the 2005 Safety, Health and Welfare at Work Act or by regulations under the European Communities Act, as subsequently amended.

- The Authority also makes information available through its website and through industry committees associated with agriculture, construction, road transport and chemicals.
- The HSA maintain close contact with the UK based Safety Assessment Federation [SAFED] of which most bodies undertaking statutory inspection of pressure vessels are members.

2.5.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

- Following receipt of a report of periodic examination, follow-up action was taken by HSA inspectors in respect non-compliant vessels and pressure systems.

2.6 Sector 8. Transportable pressure equipment

2.6.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

- Health and Safety Authority, Metropolitan Building, James Joyce Street, Dublin 1, D01 K0Y8.
- Phone: 00353 1 6147000; email: wcu@hsa.ie
- ~170 FTE and €20m budget in total however as the primary remit of the Authority is occupational safety and health, market surveillance activity may be carried out by persons who have other responsibilities. Any laboratory work is contracted out to third parties.

2.6.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

- Enforcement powers and penalties are determined by the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2018.
- Economic operators are required under these Regulations to inform the HSA of transportable pressure equipment on the market that is considered to present a risk.
- The HSA participates in the TPED ADCO committee and attended meetings in February and December 2018.
- Information on the transportable pressure equipment is available on the Authority's website and through direct contact with stakeholders.

2.6.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

- No specific activity in the last year.

2.7 Sector 9. Machinery

2.7.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

- Health and Safety Authority, Metropolitan Building, James Joyce Street, Dublin 1. D01 K0Y8
- Phone: 00353 1 6147000; email: wcu@hsa.ie
- ~170 FTE and €20m budget in total however as the primary remit of the Authority is occupational safety and health, market surveillance activity may be carried out by persons who have other responsibilities. Any laboratory work is contracted out to third parties.

2.7.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

- In general most market surveillance activity for Machinery is reactive arising from either complaints, accident investigations, or as a result of workplace health and safety inspections. More recently proactive market surveillance has been undertaken in respect of chain-saws and vehicle servicing lifts as part of a pan European project. In addition RAPEX alerts are systematically monitored to identify any products that may be on the Irish market. From time to time trade shows are visited to review new products being made available.

- Complaints and related follow-up actions (visits, phone calls, emails) are recorded on the Authority's internal database.
- The statutory reporting of occupational accidents and dangerous occurrences is addressed in the 2016, Safety, Health and Welfare at Work (General Application)(Amendment)(NO.3) Regulations [S.I. No. 370 of 2016] but in the context of Machinery
 - the failure of load bearing parts of lifting equipment
 - overturning of a vehicle/ride-on mobile equipment
 - Bursting of revolving vessels, wheels, grindstones
 - Collapse of wind turbines or failure of their bladesare reportable.

Further information on lifting equipment is available from scrutiny of statutory examination reports for periodic examinations under the 2007 Safety, Health and Welfare at Work (General Application) Regulations part of which implement the Use of Work Equipment Directive

- HSA participates in the Machinery ADCO committee and uses ICSMS for research and information sharing. It also participates in the ADCO task groups on earthmoving machinery and agricultural machinery.

- Enforcement powers and penalties are determined by the 2005 Safety, Health and Welfare at Work Act or by regulations under the European Communities Act, as subsequently amended.
- The Authority also makes information available through its website and through industry committees associated with agriculture, construction, road transport and chemicals.
- The HSA maintain close contact with the UK based Safety Assessment Federation [SAFED] and UK Lifting Equipment Engineers Association [LEEAA] of which, bodies undertaking a significant number of statutory inspections of lifting equipment, are members.

2.7.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

- The HSA has continued market surveillance of chain saws and vehicle lifts. One vehicle lift was taken out of service and destroyed HAS, other items of equipment have been quarantined. The HSA has also looked at pesticide sprayers and agricultural trailers.
- Market Surveillance was undertaken on 6 agricultural sprayer suppliers. A Contravention Notice was issued in respect of one range of Turkish Sprayers restricting their access to the market. In addition, a report was furnished to the EU machinery AdCO detailing many aspects of the HSA's finding with respect to sprayers in general.
- The HSA also contacted Market Surveillance Authorities in Poland and in Northern Ireland to alert to possible problems with sprayers that were either manufactured or exported from their jurisdiction.
- The HSA also agreed a framework with all the main sprayer suppliers for the placing on the market of agricultural sprayers.
- Following contact from Customs a substantial quantity of knapsack sprayers with dangerous electrical charging mechanisms were prevented from being placed on the market. In addition, the sale of these type of knapsack sprayers, which had been imported and had cleared customs was prohibited by the HSA. All these actions were notified to Europe via the ICSMS database.
- The Rapex Alerts were monitored in a systematic manner, 49 Alerts reviewed and follow up action took place where importers / distributors were identified. One Rapex Alert issued re (Sanli Chainsaw) which resulted in withdrawal from the market. One other product was also taken off the market.

2.8 Sector 10. Lifts

2.8.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

- Health and Safety Authority, Metropolitan Building, James Joyce Street, Dublin 1. D01 K0Y8
- Phone: 00353 1 6147000; email: wcu@hsa.ie
- ~170 FTE and €20m budget in total however as the primary remit of the Authority is occupational safety and health, market surveillance activity may be carried out by persons who have other responsibilities. Any laboratory work is contracted out to third parties.

2.8.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

- In general most market surveillance activity for Lifts is reactive arising from either complaints, accident investigations, or as a result of workplace health and safety inspections. Some actions in this area have arisen from scrutiny of statutory examination reports for periodic examinations under the 2007 Safety, Health and Welfare at Work (General Application) Regulations part of which implement the Use of Work Equipment Directive.
- HSA participates in the work of the LIFT ADCO committee and RAPEX alerts are systematically monitored to identify any products that may be on the Irish market. ICSMS is used for research and information sharing.
- Complaints and related follow-up actions (visits, phone calls, emails) are recorded on the Authority's internal database.
- Enforcement powers and penalties are determined by the 2005 Safety, Health and Welfare at Work Act or by regulations under the European Communities Act, as subsequently amended.
- The statutory reporting of occupational accidents and dangerous occurrences is addressed in the 2016, Safety, Health and Welfare at Work (General Application)(Amendment)(No.3) Regulations [S.I. No. 370 of 2016] but in the context of Lifts only the collapse or failure of a load bearing part of a lift is reportable.
- Economic operators are obliged to notify market surveillance authorities under the 2017 European Union (Lifts and Safety Components for Lifts) Regulations where they have reason to believe that their product is non-compliant and presents a risk.
- The HSA maintain close contact with the UK based Safety Assessment Federation [SAFED] of which most bodies undertaking statutory inspection of lifts are members and with the Irish Lift and Escalator Association [ILEA] representing lift installers.
- The Authority also makes information available through its website and through industry committees associated with agriculture, construction, road transport and chemicals.

2.6.2 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

- Main focus of activity related to complaints, monitoring maintenance and statutory examinations and also the installation of non-compliant lifts by a particular installer some years previously.

2.9 Sector 13. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres

2.9.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

- Health and Safety Authority, Metropolitan Building, James Joyce Street, Dublin 1. D01 K0Y8
- Phone: 00353 1 6147000; email: wcu@hsa.ie
- ~170 FTE and €20m budget in total however any market surveillance activity is carried out by persons who have other responsibilities. Any laboratory work is contracted out to third parties.

2.9.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

- Market surveillance activity for ATEX products is based on a reactive strategy arising from either complaints, accident investigations, as a result of workplace health and safety inspections or information from ATEX or ICSMS.
- Economic operators are obliged to notify market surveillance authorities under the 2017 European Union (Equipment and Protective Systems Intended for Use in Potentially Explosive Atmospheres) Regulations where they have reason to believe that their product is non-compliant and presents a risk.
- HSA participates in the work of the ATEX ADCO committee and RAPEX alerts are systematically monitored to identify any products that may be on the Irish market. ICSMS is used for research and information sharing.
- Complaints and related follow-up actions (visits, phone calls, emails) are recorded on the Authority's internal database.
- Enforcement powers and penalties are determined by the 2005 Safety, Health and Welfare at Work Act or by regulations under the European Communities Act, as subsequently amended.
- The Authority also makes information available through its website and through industry committees associated with agriculture, construction, road transport and chemicals.

2.9.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

- No specific activity in the last year.

2.10 Sector 13. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres

2.10.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

- Health and Safety Authority (HSA), Metropolitan Building, James Joyce Street, Dublin 1. D01 K0Y8
- Phone: 00353 1 6147000; email: wcu@hsa.ie
- ~170 FTE and €20m budget in total however any market surveillance activity is carried out by persons who have other responsibilities. Any laboratory work is contracted out to third parties.
- Note: Competition and Consumer Protection Commission (CCPC) is also a market surveillance authority for GAD equipment.

2.10.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

- Market surveillance activity for GAD products is based on a reactive strategy arising from either complaints, accident investigations, as a result of workplace health and safety inspections or information from RAPEX or ICSMS in relation to commercial/industrial equipment.
- Complaints and related follow-up actions (visits, phone calls, emails) are recorded on the Authority's internal database.
- Enforcement powers and penalties are determined by the 2005 Safety, Health and Welfare at Work Act or by regulations under the European Communities Act, as subsequently amended.
- The Authority also makes information available through its website and through industry committees associated with agriculture, construction, road transport and chemicals.

2.10.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

- No specific activity in the last year.

2.11 Sector 22/A. Chemical Substances under REACH and Classification and Labelling Regulations

2.11.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

- Health and Safety Authority (HSA), Metropolitan Building, James Joyce Street, Dublin 1. D01 K0Y8
- Phone: 00353 1 6147000; email: wcu@hsa.ie
- ~170 FTE and €20m budget in total however any market surveillance activity is carried out by persons who have other responsibilities. Any laboratory work is contracted out to third parties.

2.11.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

- Market surveillance activity for chemical products is based on a proactive strategy based around workplace and retail inspections (including desk based assessments) and a reactive strategy arising from complaints, accident investigations, referrals from workplace health and safety and chemical inspections or information from RAPEX or ICSMS.
- Complaints and related follow-up actions (visits, phone calls, e-mails) are recorded on the Authority's internal database.
- Enforcement powers and penalties are determined by the 2005 Safety, Health and Welfare at Work Act, the Chemicals Act 2008 and Chemicals Amendment Act 2010 and by regulations under the European Communities Act, as subsequently amended.
- The Authority also makes information available through its website and through stakeholder committees associated with chemicals and chemical products.

2.11.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

- In 2018, 197 product assessments were completed by inspectors assessing Safety Data Sheets (SDSs), labels and packaging of high priority substances and mixtures i.e. CMRs Cat. 1A and 1B, respiratory sensitizers and skin sensitizers. Assessments were also required for substances/mixtures used at the workplace.
- As part of 182 REACH and CLP inspections, compliance with Annex XVII restriction requirements under REACH was assessed.
- Industrial chemicals subject to Authorisation under Annex XIV of REACH were assessed. All substances were checked to ascertain whether they were subject to an authorisation application, exempt from authorisation, or in breach of the requirements of authorisation under REACH.

- RAPEX alerts were monitored for non-compliance with REACH Annex XVII and CLP.
- The CLP requirements for hazardous chemicals sold to the general public through discount and hardware stores were assessed
- A market surveillance campaign checking budget jewellery for cadmium, lead and nickel (compliance with REACH Annex XVII requirements) was undertaken.
- Complaints were followed up and referrals received both internally and from external stakeholders.

2.12 Sector 22/B. Other Chemicals (Detergents)

2.12.1 RESPONSIBLE AUTHORITY AND CONTACT

DETAILS

- Health and Safety Authority (HSA), Metropolitan Building, James Joyce Street, Dublin 1. D01 K0Y8
- Phone: 00353 1 6147000; email: wcu@hsa.ie
- ~170 FTE and €20m budget in total however any market surveillance activity is carried out by persons who have other responsibilities. Any laboratory work is contracted out to third parties.

2.12.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

- Market surveillance activity for detergents is based on a proactive strategy based around workplace and retail inspections (including desk based assessments) and a reactive strategy arising from complaints, accident investigations, referrals from workplace health and safety and chemical inspections or information from RAPEX or ICSMS.
- Complaints and related follow-up actions (visits, phone calls, e-mails) are recorded on the Authority's internal database.
- Enforcement powers and penalties are determined by the 2005 Safety, Health and Welfare at Work Act, the Chemicals Act 2008 and Chemicals Amendment Act 2010 and by regulations under the European Communities Act, as subsequently amended.
- The Authority also makes information available through its website and through stakeholder committees associated with chemicals and chemical products.

2.12.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

- Inspectors checked the Detergents Regulations requirements with regard to packaging, labelling and provision of information for detergent products.

2.13 Sector 24. Tyre Labelling

2.13.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

Sustainable Energy Authority of Ireland has operational responsibility for undertaking market surveillance of this sector; the Minister of Communications, Climate Action and Environment is currently the Market Surveillance Authority:

- Contact details: Tim Stokes, Sustainable Energy Authority of Ireland (tim.stokes@seai.ie; +353 1 808 2059); Richard Leonard, Department of Communications, Climate Action and Environment (Richard.Leonard@dccae.ie , +353 1 678 2202)
- Resources (covering all market surveillance activity relating to tyre labelling, ecodesign and energy labelling – cannot be disaggregated):
 - SEAI: 2 FTE + outsourced staff (approx. 1.5 FTE); budget of €0.4m for 2019
 - DCCAE: 0.5 FTE

2.13.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

SEAI took over operational responsibility for the market surveillance of tyre labelling in April 2016.

SEAI's general approach to tyre labelling market surveillance is to periodically monitor the general state of compliance across the market and to implement a risk-based approach using market intelligence from a range of sources including industry stakeholders and previous compliance monitoring exercises. SEAI's approach is complemented by:

- a stakeholder engagement approach through which it is aiming to increase the capacity at its disposal for identifying non-compliant tyres and promoting labels to consumers;
- the development of supports to assist market operators in complying with the Regulations e.g. web-based tools, point of sale information, etc;
- information campaigns targeted at consumers to raise their awareness and understanding of labels; and
- engagement with Irish MSAs and other Member State Tyre Labelling MSAs in order to share information, share learning and coordinate activity – an example of this is SEAI's involvement in the Horizon 2020 funded MStyr15 project.

Consumers and other stakeholders can report possible non-compliance to DCCAE or SEAI. This is promoted on the SEAI labelling web-page.

**2.13.3 REPORT FROM ACTIVITIES CARRIED OUT
UNDER THE PREVIOUS PLANNING PERIOD**

See 2.14.3 below.

2.14 Sector 23. Ecodesign and Energy Labelling

2.14.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

Sustainable Energy Authority of Ireland has operational responsibility for undertaking market surveillance of this sector; the Department of Communications, Climate Action and Environment is currently the Market Surveillance Authority:

- Contact details: Tim Stokes, Sustainable Energy Authority of Ireland (tim.stokes@seai.ie; +353 1 808 2059); Richard Leonard, Department of Communications, Climate Action and Environment (Richard.Leonard@DCCAIE.ie, +353 1 678 2202)
- Resources (covering all market surveillance activity relating to tyre labelling, ecodesign and energy labelling – cannot be disaggregated):
 - SEAI: 2 FTE + outsourced staff (approx. 1.5 FTE); budget of €0.4m for 2019
 - DCCAIE: 0.5 FTE

2.14.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

SEAI took over operational responsibility for the market surveillance of ecodesign and energy labelling in April 2016.

SEAI's general approach to energy labelling market surveillance is to periodically monitor the general state of compliance across the market and to implement a risk-based approach using market intelligence from a range of sources including industry stakeholders and previous compliance monitoring exercises. SEAI's approach is complemented by:

- a stakeholder engagement approach through which it is aiming to increase the capacity at its disposal for identifying non-compliant products and promoting energy labels to consumers;
- the development of supports to assist market operators in complying with the Regulations e.g. web-based tools, point of sale information, etc;
- information campaigns targeted at consumers to raise their awareness and understanding of labels;
- engagement with Irish MSAs and other Member State Ecodesign and Labelling MSAs in order to share information, share learning and coordinate activity.

SEAI's general approach to planned ecodesign market surveillance is to utilise a risk-based methodology to identify target product groups and market operators. Under the direction of DCCAIE, it coordinates Authorised Officers in campaigns to investigate possible non-compliance in priority product sectors. Stakeholder engagement forms a core part of this

approach and SEAI has led the development and implementation of a Stakeholder Engagement Plan to assist in that regard.

SEAI is also providing advice to market operators enquiring regarding the requirements for compliance with the Ecodesign Directive during the design phase of products.

Furthermore, SEAI coordinates ecodesign inspections undertaken in response to reports of non-compliance as directed by DCCAE in its capacity as MSA.

Consumers and other stakeholders can report possible non-compliance to DCCAE or SEAI. This is promoted on the SEAI and DCCAE webpages.

2.14.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

The table below sets out a summary of the activities that took place during 2018:

Regulation	Theme	Activities
Tyre labelling	Inspections	<ul style="list-style-type: none"> • 138 tyre dealers visited to assess dealer compliance with the Regulations and to promote compliance • 10 dealer websites inspected • 8 tyre models sent for laboratory testing • Technical documentation of 30 tyre models checked
	Stakeholder engagement	<ul style="list-style-type: none"> • 1 tyre stakeholder meeting held • Joint activity with Road Safety Authority
	Communications	<ul style="list-style-type: none"> • Guidance leaflet for retailers and poster distributed to over 1500 tyre retail outlets in National Road Safety Week • Joint press release with Road Safety Authority during National Road Safety Week to raise awareness of labels amongst consumers
Energy labelling	Inspections	<ul style="list-style-type: none"> • 110 dealers visited to inspect retailer compliance with the Regulations • 50 dealer websites inspected

		<ul style="list-style-type: none"> • 15 products laboratory tested for energy labelling and ecodesign (see also ecodesign below)
	Stakeholder engagement	<ul style="list-style-type: none"> • Met with one retailer to assist with online labelling compliance
	Communications	<ul style="list-style-type: none"> • Energy labelling guide for retailers, and online labelling guide under development
Ecodesign	Inspections	<ul style="list-style-type: none"> • 15 products laboratory tested (see also above) • Technical documentation checks of 124 products
	Stakeholder engagement	<ul style="list-style-type: none"> • Stakeholder meetings held relating to: <ul style="list-style-type: none"> ○ Lighting ○ Network standby / servers ○ Solid fuel heating ○ Tyres
	Partnership working	<ul style="list-style-type: none"> • Joint working with UK MSA (Office for Product Standards and Safety) relating to lighting • Participation in EEPLIANT2 relating to network standby and refrigeration

2.15 Sector 21. Electrical and electronic equipment under RoHS and WEEE and batteries

2.15.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

Competent Authority: Environmental Protection Agency.

Primary Contact: Martin Doyle, Office of Environmental Sustainability

E-mail: rohs@epa.ie

Resources available:

Resource Availability and Expenditure relating to Sector during 2018	
Expenditure under sectoral heading ¹	<€1,000
Staff available to market surveillance authorities (full-time equivalent units)	0.021
Technical resources	0

2.15.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

The aim of the market surveillance activity is to ensure compliance with the restrictions on the specified hazardous substances thereby contributing to the protection of the environment and human health by reduction in the potential uncontrolled releases of these substances. Additionally, the absence of these substances improves the environmental performances of the products concerned through enhancing the recyclability of the relevant products.

¹ The figure quoted indicates the total spend on enforcement activities for the sector during the reporting period. The amount does not include staff costs and other additional costs e.g. assigned overheads and depreciation.

The EPA employs a “Trust but Verify” approach to surveillance activities and targets product groups associated with a high risk of non-compliance. When determining non-compliance risk, factors such as previous non-compliance levels (e.g. observed during past surveillance campaigns, enforcement information from other MSA activities) and number of complaints received regarding the product category, are considered.

The EPA adopts a compliance assistance approach, engaging with manufacturers, importers and other economic operators to support their compliance efforts.

During 2019 the EPA currently intends to execute a surveillance programme targeting small household electrical appliances which will combine monitoring compliance with Directive 2011/65/EU but also with relevant restrictions under Regulation (EC) 850/2004 and Regulation (EC) 1907/2006. Up to 50 products will be tested for compliance with the legislation concerned. The types and levels of market surveillance activities planned for 2019 will largely be dependent of the manner in which the United Kingdom leaves the European Union. Market surveillance plans will be reviewed and updated as additional clarity on the situation becomes available.

2.15.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

During 2018 there was no pro-active market surveillance carried out under the sector due to lack of available resources.

The EPA followed up one non-compliance which was the subject of a RAPEX notification. The campaign² consisted of inspection of 50 relevant economic operators. None of the non-compliant products relating to the contravention of Directive 2011/65/EU were observed during the campaign.

A total of 7 self-reported non-compliance were received during 2018 with 4 closed out during the period with the remaining case files due for closure by Q2 2019.

The EPA assisted one manufacturer during the reporting period in their efforts to comply with the requirements of Directive 2011/65/EU.

² The campaign comprised both inspections of the premises, interviewing economic operator personnel and the general raising awareness of the RAPEX system. Additionally, follow-up inspections for RAPEX notifications due to contraventions regarding Regulation (EC) 850/2004 and Regulation (EC) 1907/2006 were included in the campaign.

2.16 Sector 22/A. Chemical Substances under REACH and Classification and Labelling Regulations

2.16.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

Competent Authority: Environmental Protection Agency.

Primary Contact: Martin Doyle, Office of Environmental Sustainability

E-mail: info@epa.ie.

Resources available:

Resource Availability and Expenditure relating to Sector during 2018	
Expenditure under sectoral heading ³	~€15,000
Staff available to market surveillance authorities (full-time equivalent units)	0.13
Technical resources	0

2.16.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

The EPA is the competent authority within the State for the prevention of environmental pollution under the Regulation (EC) 1907/2006. The aim of the EPA's market surveillance activity is to ensure compliance with the restrictions on the specified hazardous substances thereby contributing to the protection of the environment and human health by reduction in the potential uncontrolled releases of these substances. Additionally, the absence of these substances improves the environmental performances of the products concerned through enhancing the recyclability of their constituents.

³ The figure quoted indicates the total spend on enforcement activities for the sector during the reporting period. The amount does not include staff costs and other additional costs e.g. assigned overheads and depreciation.

The EPA employs a risk-based approach towards surveillance targeting product groups for surveillance associated with an elevated risk of non-compliance. When determining non-compliance risk, factors such as previous non-compliance levels e.g. observed during past surveillance campaigns and enforcement information from other MSA activities, e.g. RAPEX notifications issued, are considered.

During 2019 the EPA currently intends to execute a surveillance programme targeting small household electrical appliances which will combine monitoring compliance not only with Directive 2011/65/EU but also testing for some of the Substances of Very High Concern on the Candidate List for Restriction under Regulation (EC) 1907/2006. The types and levels of market surveillance activities planned for 2019 will largely be dependent of the manner in which the United Kingdom leaves the European Union. Market surveillance plans will be reviewed and updated as additional clarity on the situation becomes available.

2.16.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

During 2018 the EPA carried out a market surveillance programme combining requirements under both Regulation (EC) 850/2004 and Regulation (EC) 1907/2006. The programme consisted of testing articles of 20 household items for targeted/relevant restricted substances. Results of the programme are due Q1 2019.

The EPA followed up 35 non-compliances which were the subject of RAPEX notifications. The campaign⁴ involved inspection of 50 relevant economic operators for the products concerned. None of the non-compliant products relating to contraventions of Regulation (EC) 1907/2006 were observed during the campaign.

⁴ The campaign comprised both inspections of the premises, interviewing economic operator personnel and the general raising awareness of the RAPEX system. Additionally, follow-up inspections for RAPEX notifications due to contraventions regarding and Directive 2011/65/EU and Regulation (EC) 850/2004 were included in the campaign.

2.17 Sector 22/B. Restriction on the use and releases of certain Hazardous Substances - Ozone Depleting Substances and Fluorinated Greenhouse Gases (ODS and F-Gases) – Regulation (EC) 842/2006 and Regulation (EU) 517/2014

2.17.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

Competent Authority: Environmental Protection Agency.
Primary Contact: Martin Doyle, Office of Environmental Sustainability
E-mail: ods@epa.ie and fgases@epa.ie

Resources available:

Resource Availability and Expenditure relating to Sectors during 2018	
Expenditure under sectoral heading ⁵	~€11,000
Staff available to market surveillance authorities (full-time equivalent units)	0.82
Technical resources	0

2.17.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

The aim of market surveillance activity is to ensure compliance with the controls on the specified hazardous substances thereby contributing to the protection of the environment and human health by reduction in the potential uncontrolled atmospheric releases of these substances.

⁵ The figure quoted indicates the total spend on enforcement activities for the sector during the reporting period. The amount does not include staff costs and other additional costs e.g. assigned overheads and depreciation.

The EPA targets the relevant economic operator categories associated with a high risk of non-compliance. When determining non-compliance risk, factors such as previous non-compliance levels (e.g. observed during past surveillance campaigns, enforcement information from other MSA activities) and number of complaints received regarding the operators, are considered.

The EPA adopts a strong compliance assistance approach for promoting compliance by working with economic operators to support their efforts in fulfilling their obligations. The EPA also generates target guidance for specific operators to promote awareness and drive compliance.

During 2019 the EPA currently intends to carry out up to 80 inspections of economic operators premises to determine compliance with the Regulations' requirements. The types and levels of market surveillance activities planned for 2019 will largely be dependent of the manner in which the United Kingdom leaves the European Union. Market surveillance plans will be reviewed and updated as additional clarity on the situation becomes available.

2.17.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

During 2018 a total of 23 inspections of economic operators were carried out. No non-compliances were observed during the period.

2.18 Sector 22/B. Restriction on the manufacture and use of certain Hazardous Substances – Persistent Organic Pollutants (POPs) – Regulation (EC) 850/2004

2.18.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

<p>Competent Authority: Environmental Protection Agency.</p> <p>Primary Contact: Martin Doyle, Office of Environmental Sustainability</p> <p>E-mail: POPs@epa.ie</p>

Resources available:

Resource Availability and Expenditure relating to Sector during 2018	
Expenditure under sectoral heading ⁶	~€29,500
Staff available to market surveillance authorities (full-time equivalent units)	0.22
Technical resources	0

2.18.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

The aim of market surveillance activity is to ensure compliance with the restrictions on the specified hazardous substances thereby contributing to the protection of the environment and human health by reduction in the potential uncontrolled releases of these substances. Additionally, the absence of these substances in articles and products improves their recyclability.

The EPA employs a risk-based approach towards surveillance targeting product groups for surveillance associated with a high risk of non-compliance. When determining non-compliance risk, factors such as previous non-compliance levels e.g. observed during past

⁶ The figure quoted indicates the total spend on enforcement activities for the sector during the reporting period. The amount does not include staff costs and other additional costs e.g. assigned overheads and depreciation.

surveillance campaigns and enforcement information from other MSA activities, e.g. RAPEX notifications issued, are considered.

During 2019 the EPA currently intends to execute a surveillance programme targeting small household electrical appliances which will combine monitoring compliance not only with Directive 2011/65/EU but also for relevant restrictions under Regulation (EC) 850/2004 e.g. those relating to POP brominated flame retardants and C₁₀-C₁₃ Chain Chloroalkanes. The types and levels of market surveillance activities planned for 2019 will largely be dependent of the manner in which the United Kingdom leaves the European Union. Market surveillance plans will be reviewed and updated as additional clarity on the situation becomes available.

2.18.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

During 2018 the EPA carried out a market surveillance programme combining requirements under both Regulation (EC) 850/2004 and Regulation (EC) 1907/2006. The programme consisted of testing articles of 20 household items for the restricted substances. Results of the programme are due Q1 2019.

The EPA followed up 35 non-compliances which were the subject of RAPEX notifications. The campaign⁷ involved the inspection of 50 relevant economic operators for the products concerned. During the campaign, two of the products relating to contraventions of Regulation (EC) 850/2004 were observed in one premises and withdrawn from sale. It is expected both non-compliance case files will be closed out early 2019 following confirmation of the appropriate management of the non-compliant products.

⁷ The campaign comprised both inspections of the premises, interviewing economic operator personnel and the general raising awareness of the RAPEX system. Additionally, RAPEX notifications due to contraventions regarding Directive 2011/65/EU and Regulation (EC) 1907/2006 were included in the campaign.

2.19 Sector 14 and 15. Pyrotechnics and Explosives for Civil Use

2.19.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

Explosives Inspectorate,
Department of Justice and Equality,
51 St Stephens Green,
Dublin 2
D02 HK52

Contact:
Colm Farrell,
Government Inspector of Explosives

Email: cwfarrell@justice.ie
Ph: + 353 1 6028354

Resources: The explosives inspectorate is a part of the Firearms, Explosives and Private Security Authority Policy Division of the Department of Justice and Equality. The primary statutory responsibilities of this inspectorate include carrying out, on behalf of the Minister, the implementation and enforcement of explosives legislation regarding, import, manufacture, storage and transport of all explosives and pyrotechnics. Inspectors are also appointed under the Carriage of Dangerous Goods legislation responsible for road check enforcement and approval and examination of specialist driver training for the carriage of UN Class 1 goods. The number of inspectors available for market surveillance activities expressed as full-time equivalent units is 0.1. There is no notified body for explosives or pyrotechnic articles in Ireland and so very limited explosive or pyrotechnic testing and evaluation is possible within existing resources. No additional budget is allocated for market surveillance, therefore all activities will have to be performed within the existing Departmental budgets, which are subject to severe national economic restrictions on Government spending.

2.19.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

Principles: Due to the limited resources available, it has been decided to take a pragmatic approach to monitoring and surveillance activities and to combine these activities with existing inspection programs where possible. This will include:

Proactive inspections: Including planned and routine inspections of explosive and pyrotechnic articles at places of storage, distribution, transit, sale and use. Inspections will include announced and unannounced inspections

Reactive inspections: Including acting on information received from complaints from the public, persons with specialist knowledge, accidents, customs or police or other market surveillance authorities. Accident investigation may be conducted in conjunction with the Health and Safety

Authority who have regulatory responsibility for the use of explosives and pyrotechnics in the workplace.

Precautionary Principle: This approach will be taken, for example if it is suspected that illegal manufacture, import, storage or sales are taking place, or dangerous products are on the market. Intervention inspections, supported by Gardai (police), if necessary, will be made to initiate seizure, detention and destruction where appropriate to prevent danger to the public from arising.

Cooperation: On a national level members of the inspectorate will continue to participate in the Market Surveillance Forum which is organised by the Department of Business, Enterprise and Innovation and to cooperate with the other sectoral market surveillance authorities. On an international level members of the inspectorate will continue to participate in the ADCO on Pyrotechnics and the ADCO on Explosives for Civil Uses and to cooperate with other national authorities

Strategy: The market surveillance strategy will be determined using the following priorities:

Identification of undertakings: Identification and updating of undertakings and locations involved in manufacture, importation, storage, transport and sale of explosives and pyrotechnics. This will require regular updating from local authorities and other regulatory authorities.

Risk assessment of undertakings and sites: Risk factors include:

- Explosive hazards and degree of risk involved, taking into account explosive quantity and type and location.
- Activity and degree of risk involved, whether manufacture, processing, storage, transport or sale.
- Competence of undertakings including training, experience and qualifications of the managers and personnel of the undertakings.
- Knowledge of the legislation of the undertakings.
- Compliance record of undertakings.
- Results of previous inspections
- Frequency of previous inspections or date of last inspection
- Requirement for involvement of other agencies
- Cost benefit factors of inspections.
- Resource capacity of inspectorate (time, human and budget resources).

Setting priorities

- Allocation of available resources including time, personnel and budgets.
- Selection of target undertakings for inspection
- Selection of type of inspection
- Selecting frequency and target dates for inspection.

2.19.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

Total inspections include documentary checks carried out on all explosives for civil uses and pyrotechnics prior to the issue of an import licence under explosives legislation. The import licence is not issued unless all the supporting documentation is in order. Consequently the numbers of non-compliant articles, consumer complaints or product related accidents as a result of a defective article is minimal.

During the year 2017 a total number of 516 inspections (including documentary checks) took place of which 35 involved carrying out physical checks on the products involved. There were 2 findings of non-compliance and in both cases the articles were removed from the market.

2.20 Sector 4, 16, 20 and 30. Personal protective equipment (Consumer & Leisure), Appliances burning gaseous fuels (Domestic), Electrical appliances and equipment under LVD and Other consumer products under GPSD

2.20.1 RESPONSIBLE AUTHORITY AND CONTACT DETAILS

Authority: Product Safety Unit, Criminal Enforcement Division, Competition and Consumer Protection Commission

Contact: Bloom House, Railway Street, Dublin 1, D01 C576, Ireland

Email: productsafety@ccpc.ie

The Product Safety Unit, Criminal Enforcement Division, of the Commission has a staff compliment of 6 Authorised Officers. During the last half of 2017 and the first quarter 2018, three experienced Product Safety Unit staff who had been on secondment from the parent Department, returned to the parent Department and one member of staff retired. Four replacement staff were recruited within the same time period and have completed an in-house 15 module product safety training course and they are also completing suitable on the job training. The Unit's activities are financed from the annual budget allocated to the Commission. The Commission does not have any in-house laboratories or test facilities but can call upon relevant external expertise as required. Two staff have technical qualifications and experience and one of those members of staff has third level safety qualifications. The Unit keeps up-to-date on best practice at EU level and regularly attends relevant meetings and workshops. It also has direct access to an in-house Legal Services Division.

2.20.2 MARKET SURVEILLANCE PROCEDURES AND STRATEGY

The Unit has the responsibility for market surveillance for the product legislation under their remit, they are the national co-ordinator for Rapex and they investigate and follow-up of product safety complaints and issues.

The Unit actively participates in the National Market Surveillance Forum, which is chaired by the Department of Business, Enterprise and Innovation, which meets regularly and works closely with other regulatory bodies in the Country. In particular, it co-operates with the Customs Service of the Revenue Commissioners where procedures are in place for sharing information and investigates various consignments of goods being imported into

the State where product safety concerns or compliancy issues have arisen. A Memorandum of Understanding between the CCPC Product Safety Unit and the Customs Service of the Revenue Commissioners has been drafted and is due to be finalised in 2018.

The activities of the Unit are generally reactive where complaints and queries from the public are received directly via the Commission's helpline or from other regulatory authorities and followed up accordingly using a risk assessment based approach. The Unit also responds to notifications received through the Rapex system and follows up with domestic economic operators to ensure that appropriate remedial action is being taken. Market surveillance activity is undertaken as required, in support of this activity. A pilot Market surveillance operation by the Product Safety Unit was conducted in a number of electrical appliance retail premises at the end of 2018. The Product Safety Unit are planning to conduct further proactive Market Surveillance inspections in 2019.

The Product Safety Unit continues to strengthen its ongoing co-operation with Customs Service of the Revenue Commissioners, which has proved to be quite successful in recent years, through the targeting of specific goods which are known to pose regular safety concerns.

2.20.3 REPORT FROM ACTIVITIES CARRIED OUT UNDER THE PREVIOUS PLANNING PERIOD

During the 2018 period (up to 31 Dec 2018), under the Sectors listed above, the Commission with the co-operation of Customs, checked approximately 40 consignments containing approximately 345,669 products, at the point of importation. The products were investigated to ensure that they did not pose a risk to consumers and complied with the requirements of the relevant legislation. Following these investigations, approximately 32,618 products were detained, destroyed or re-exported including a variety of toys, sunglasses, novelty items, electrical appliances and electrical chargers and adaptors.

The Commission also investigated approximately 478 complaints received from consumers and other sources. The Commission submitted 3 notifications through the Rapex system and reacted to 115 notifications from other EU member states where the products had been placed or made available on the Irish Market.

ANNEX: REFERENCE LIST OF PRODUCT SECTORS

Product sectors	Relevant legislation ^{8 9}
1. Medical devices (including In vitro diagnostic medical devices and Active implantable medical devices)	Directives 93/42/EEC, 98/79/EC and 90/385/EEC
2. Cosmetics	Regulation (EC) 1223/2009
3. Toys	Directive 2009/48/EC
4. Personal protective equipment	Directive 89/686/EEC
5. Construction products	Regulation (EU) 305/2011
6. Aerosol dispensers	Directive 75/324/EEC
7. Simple pressure vessels and Pressure equipment	Directives 2014/29/EU and 2014/68/EU
8. Transportable pressure equipment	Directive 2010/35/EU
9. Machinery	Directive 2006/42/EC
10. Lifts	Directive 2014/33/EU
11. Cableways	Directive 2000/9/EC
12. Noise emissions for outdoor equipment	Directive 2000/14/EC
13. Equipment and Protective Systems Intended for use in Potentially Explosive Atmospheres	Directive 2014/34/EU
14. Pyrotechnics	Directive 2013/29/EU
15. Explosives for civil uses	Directive 2014/28/EU
16. Appliances burning gaseous fuels	Directive 2009/142/EC
17. Measuring instruments, Non-automatic weighing instruments, Pre-packaged products and Units of measurement	Directives 2014/32/EU and 2014/31/EU; Directives 2007/45/EC, 75/107/EEC, 76/211/EEC and Directive 80/181/EEC
18. Electrical equipment under EMC	Directive 2014/30/EU
19. Radio equipment (RED)	Directive 2014/53/EU
20. Electrical appliances and equipment under LVD	Directive 2014/35/EU
21. Electrical and electronic equipment under RoHS and WEEE and batteries	Directives 2011/65/EU, 2002/96/EC and 2006/66/EC
22./A Chemical substances under REACH and Classification and Labelling Regulations	Regulations (EC) 1907/2006 and 1272/2008/EC

⁸ For ease of reference this table indicates established EU legislation. New legislation replacing that listed in the table should be also taken into account for the relevant period in which it is applicable.

⁹ For ease of reference in some cases (e. g. eco-design, energy labelling), this table only indicates EU framework legislation, but is intended to cover also product-specific EU legislative acts.

22./B Other chemicals (Detergents, Paints, Organic Persistent Pollutants, Fluorinated greenhouse gases, Ozone Depleting Substances, etc.)	Regulation (EC) 648/2004, Directive 2004/42/EC, Regulation (EC) 850/2004, Regulation (EC) 842/2006 and Regulation (EU) 517/2014, Regulation (EC) 1005/2009
23. Eco-design and Energy Labelling	Directives 2009/125/EC and 2010/30/EU
24. Tyre labelling	Regulation (EC) 1222/2009
25. Recreational craft	Directive 2013/53/EU
26. Marine equipment	Directive 2014/90/EU
27. Motor vehicles and tractors	Regulation (EU) 168/2013; Directive 2007/46/EC; Regulation (EU) 167/2013
28. Non-road mobile machinery	Directive 97/68/EC
29. Fertilisers	Regulation (EC) 2003/2003
30. Other consumer products under GPSD (optional)	Directive 2001/95/EC
31. Biocides	Regulation (EU) 528 /2012
32. Textile and Footwear labelling	Regulation (EC) 1007/2011 and Directive 94/11/EC
33. Crystal glass	Directive 69/493/EEC
34. (Additional sectors – please specify)	